

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

LEAF FUNDING, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:06-CV-177
	)	(Jordan/Shirley)
ALLEN R. FOSTER, M.D.,	)	
	)	
Defendants.	)	

**REPORT AND RECOMMENDATION**

This matter is before the undersigned pursuant to 28 U.S.C. § 636(b), the Rules of this Court, and by Order [Doc. 18] of the Honorable Leon Jordan, United States District Judge, for consideration and determination of Plaintiff's Motion to Compel Post Judgment Discovery [Doc. 15].

Plaintiff Leaf Funding, Inc. ("LFI") moves the Court to compel Defendant Allen R. Foster, M.D. to respond to Plaintiff's Post Judgment Interrogatories and Request for Production of Documents. In support of its motion, Plaintiff states that Defendant has not responded to Plaintiff's discovery requests. Plaintiff further requests a judgment in the amount of reasonable expenses, including attorney's fees, incurred by LFI in compelling a response to its discovery requests. [Doc. 15].

Defendant failed to file a response to Plaintiff's motion within the time period required by E.D.TN. LR 7.1(a). "Failure to respond to a motion may be deemed a waiver of any opposition to the relief sought." E.D.TN. LR 7.2.

For good cause shown, it is **RECOMMENDED**<sup>1</sup> that Plaintiff's Motion to Compel Post Judgment Discovery [Doc. 15] be **GRANTED**. Defendant is hereby **ORDERED** to respond to Plaintiff's Post Judgment Interrogatories and Request for Production of Documents within twenty (20) days of the entry of this Order.

It is further **RECOMMENDED** that Plaintiff's request for an award of expenses related to the filing of this motion also be **GRANTED**. Plaintiff is hereby **DIRECTED** to submit any filings in support of its award of expenses to the District Court within twenty (20) days of the entry of this Order.

Respectfully submitted,

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge

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<sup>1</sup>Any objections to this Report and Recommendation must be served and filed within ten (10) days after service of a copy of this recommended disposition on the objecting party. Such objections must conform to the requirements of Rule 72(b), Federal Rules of Civil Procedure. Failure to file objections within the time specified waives the right to appeal the District Court's order. Thomas v. Arn, 474 U.S. 140, 106 S. Ct. 466 (1985). The district court need not provide de novo review where objections to this report and recommendation are frivolous, conclusive or general. Mira v. Marshall, 806 F.2d 636 (6th Cir. 1986). Only specific objections are reserved for appellate review. Smith v. Detroit Federation of Teachers, 829 F.2d 1370 (6th Cir. 1987).